

COUNTY OF YORK

MEMORANDUM

DATE: August 15, 2002 (BOS Mtg. 9/03/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZM-66-02, York County Board of Supervisors

Issue

This application, which was sponsored by the Board of Supervisors at its June 25, 2002 meeting, proposes amendment of the York County Zoning Map to reclassify approximately 27 acres of land located on Old Williamsburg Road in the Lackey community from NB-Neighborhood Business and R13-High Density Single-Family Residential to GB-General Business. The areas being considered for change are depicted on the attached map.

Considerations/Conclusions

1. This is a companion application to Application No. CP-8-02, which proposes that the Comprehensive Plan designations for this area be changed from *Limited Business* and *High Density Residential* to *General Business*. All considerations and recommendations expressed in this memorandum are predicated on that change being approved. If it is not, then staff's recommendation for this application would be denial given the inconsistency of the GB-General Business zoning with a *Limited Business Comprehensive Plan* designation.
2. This application proposes an increase in the range of commercial opportunities in the Lackey community and is in particular recognition of the fact that the Lackey area qualifies as a HUBZone under the federal Small Business Administration program guidelines. The current NB-Neighborhood Business zoning classification allows a relatively narrow range of commercial uses oriented to providing convenience retail services to the nearby residential areas, as shown on the attached excerpt from the Zoning Ordinance Table of Land Uses (Section 24.1-306). It does not allow many of the types of businesses (e.g., small contractors, business services) that would most likely benefit from the federal procurement process incentives available the HUBZone designation. In fact, the Office of Economic Development has received a number of inquiries from small contracting businesses that would like to locate in Lackey but cannot because of the NB zoning classification.
3. The Route 238 corridor in Lackey has been zoned for commercial use since 1957. From 1957 to 1985 the commercial area was classified B1, which was the retail-oriented commercial classification. The B1 zone was 500 feet deep and extended from Church Road to just beyond Dogwood Road. In 1985, as part of the countywide comprehensive rezoning, the area was reclassified to a combination of CC-Community Commercial at the Baptist Road intersection area and CN-Neighborhood Commercial on the eastern and western ends. In addition, the district boundaries were adjusted to

shrink the commercial depth at the western end from 500 feet down to 200 feet. In 1995, the CC and CN classifications were changed to NB-Neighborhood Business, again in conjunction with a countywide comprehensive rezoning.

4. The current NB-Neighborhood Business zone extends a distance of approximately 2,500 feet along Old Williamsburg Road (Route 238). It includes all or the front part of each of the properties that front on Route 238 from Church Road to Dogwood Road, as well as one parcel on the west side of Dogwood (the future site of the Lackey Medical Clinic). In addition, the NB zone extends approximately 500 feet in a southerly direction along Baptist Road to the edge of Brown Park. At its western end, the zoning line cuts across several 600 to 700-foot deep parcels, with the front 200 feet of these parcels being zoned NB and the rear portions being zoned R13. It is this R13 area, and several adjoining landlocked parcels, that also are proposed to be reclassified to GB.
5. This application proposes that a total of 23 parcels be reclassified from NB to GB, three (3) from R13 to GB, and five (5) from NB and R13 to GB. It encompasses a total of approximately 27 acres – 18 acres zoned NB and 9 acres zoned R13. Existing land uses located within the area include:
 - ? a small, neighborhood-oriented shopping center that includes a convenience grocery and a laundromat;
 - ? a barber shop/ beauty salon
 - ? a church
 - ? an automobile repair garage
 - ? the Lackey Post Office
 - ? ten (10) nonconforming single-family residences (located in the NB zone)
 - ? two (2) single-family residences located in the R13 zone (these would become nonconforming if the zoning is changed to GB). (nonconforming residential uses in commercial zones can be continued and can be expanded as a matter-of-right)
6. According to the latest available traffic counts (VDOT/2001), Route 238 carries approximately 8,000 vehicles per day and, according to the latest information available from the Hampton Roads Planning District Commission (HRPDC), volumes are projected to grow to approximately 12,000 vehicles per day by 2021. Based on its cross-section and the current traffic volumes, HRPDC indicates the road to be functioning at a Level of Service (LOS) D in both the AM and PM peak hours and that is projected to continue through 2021.
7. The subject area (both the commercial and residential portions) is generally flat and well suited for development. Public water and public sewer are available to the entire area.
8. As noted in the memorandum concerning the Comprehensive Plan amendment, staff is of the opinion that there is an imbalance between the amount of land zoned for NB-Neighborhood Business and the current and potential market. Given the relatively small population of the immediately surrounding area, and the area's isolation by virtue the

vast federal landholdings, there is insufficient demand for such a large amount of neighborhood-related business and, as a result, staff believes that most of the commercially-zoned land is destined to remain undeveloped if left in the NB-Neighborhood Business classification. Staff believes that the proposed GB-General Business classification is appropriate for the following reasons:

- ? The area is located on a Primary System highway (Route 238) that serves as an arterial connection between Jefferson Avenue and Route 17. That sets it apart from the NB-Neighborhood Business zones established in Dare, Seaford and the Penniman Road area and suggests opportunities for a broader market orientation.
At the same time, the area's relative isolation and the relatively low traffic count on Route 238 make it unattractive for the types of high-volume, high-traffic retail businesses that would be incompatible with the community character and that could create traffic capacity issues on Route 238.
- ? The HUBZone designation provides a unique opportunity for certain types of commercial and service enterprises competing for federal procurement contracts. The purpose of the HUBZone program is to promote private sector investment and employment opportunities in the eligible communities. The HUBZone program requires that at least 35% of the employees of a participating business reside in a HUBZone (but not necessarily the HUBZone where the business is located). The Office of Economic Development has received inquiries from several GB-category businesses interested in locating in the Lackey commercial area because of the HUBZone designation.
- ? The Naval Weapons Station, located on the opposite side of Route 238, represents a potential, but not overly large, market for a broader range of both retail and service-oriented commercial activity than allowed under the NB-Neighborhood Business classification.
- ? The GB classification will provide a broad enough range of uses to give property owners, investors and lenders greater confidence in the area's potential and should stimulate both economic and employment growth.

Based on these factors, staff believes there are compelling reasons to consider changing the zoning classification for the subject area from NB-Neighborhood Business to GB-General Business.

9. Assuming that the current commercial area is reclassified from NB to GB, the next question to be considered is whether the GB-General Business classification should be expanded even further. As described above, this application proposes that the commercial zone be expanded by approximately nine (9) acres, which would increase the commercial development potential by approximately 86,000 square feet of floor area and would result in a total potential of approximately 250,000 square feet.

Is there a demand for this amount of space for businesses that might benefit from the HUBZone designation? Staff is unable to answer that question. However, in looking at

the area on the western end of the existing commercial designation, staff is of the opinion that the physical characteristics of the land, the parcel configurations and the sparseness of adjacent residential uses, makes expansion worthy of consideration. Splitting properties with a zoning line, as is the case with those at the western end of the commercial area, has generally been avoided. However, at the time the zoning map was prepared, the 200-foot depth was considered appropriate for the NB-Neighborhood Business classification and that still left a portion of the property large enough for development as R13. Conversely, if these parcels are zoned GB-General Business, the 200-foot depth is not as workable since both the front setback (45 feet rather than 40 feet) and the transitional buffer depths are greater (35 feet rather than 25 feet) than under the NB classification. Therefore, staff believes it would be appropriate to increase the depth of the GB classification to cover the entire area of these parcels. Staff believes this would represent good zoning practice and would help accommodate the demand for larger sites that might be associated with some of the businesses that might be attracted to the area because of the HUBZone designation.

Planning Commission Recommendation

The Planning Commission considered this application at its meeting on August 14, 2002. Subsequent to conducting a public hearing at which there were no speakers, the Commission voted 5:0 to recommend approval of the proposed zoning changes.

Recommendation

Based on the considerations and conclusions noted above, I recommend approval of the proposed reclassification. Proposed Ordinance No. 02-15 will approve the recommended zoning changes for the subject properties. I recommend its adoption.

Carter/3337:jmc

Attachments